

The Director
Central Intelligence Agency

OLC: 78-54507 a

Approved For Release 2004/12/02 : CIA-RDP81M00980R000200050023-0

Guidelines
OLC RECORD COPY

Washington, D.C. 20505

16 NOV 1978

Executive Registry

78-6593/E

Honorable Birch Bayh, Chairman
Honorable Barry Goldwater, Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairmen:

Thank you for your letter of 19 October requesting that the Agency not disclose publicly any information and documents exchanged by the Agency with your Committee and with its predecessor, the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, unless your Committee first reviews the material and votes for its release.

STAT The possession of such materials in our files presents a serious problem to CIA and undoubtedly to other intelligence agencies in responding to requests under the Freedom of Information and Privacy Acts. Regardless of the fact that the Legislative Branch is not subject to provisions of these Acts, Congressional documents and Congressional information reposing in Agency files become subject to determinations as to releasability. We have recognized your concerns to maintain confidentiality and have invoked your interests whenever Congressional documents or Congressional information become subject to release. For example, your recent letter of 21 September to the Agency concerning the FOIA case [redacted] requesting nondisclosure of certain materials of Committee interest has been presented to the court. The matter is still in litigation and we are hopeful that we will prevail.

You may be assured that all information or documents, or any portions thereof, exchanged in confidence between CIA and your Committee, and its predecessor, which are the subject of any outside request for public release, will continue to be submitted to the Committee for prior approval.

Our acceptance of your right to require prior approval is based on our assumption that the Committee will not disclose any documents or information exchanged in confidence between the Committee and CIA without prior Agency approval. To date, the Committee has followed this policy and I would expect that it will be continued in the future. Neither of our interests will be protected unless we both agree to recognize each other's requirements for confidentiality. If there is disagreement, I am confident that in a spirit of cooperation we can resolve our differences.

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This exchange of letters will serve as mutual understanding and assurance that all matters discussed in confidence between us will not be disclosed until both of our interests are given due consideration.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Dist.: Orig-Addressees

1-DCI 1-DDA
1-DDCI 1-DDO
1-ER 1-DDS&T
1-DD/RM 1-OGC
1-DD/NFA 1-OGC
1-DD/CT 1-D/PA
1-C/IPS 1-OLC Subject
1-OLC Chron
OLC:PLC:jms(14 Nov 1978)

STAT

NOV 15 4 48 PM '78

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

78-6543
S.S. # 135436

October 19, 1978

IN REPLY PLEASE

REFER TO Q.# 6015

Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Director Turner:

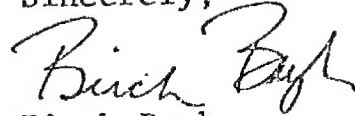
The Senate Select Committee on Intelligence (pursuant to S. Res. 400, 94th Cong.), and its predecessor, the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, (pursuant to S. Res. 21, 94th Cong.) has exchanged with your Agency considerable information and documents of a very sensitive nature. For historical and practical reasons, this exchange of information and documents is an essential part of the consultative and deliberative process between the two branches. It is essential that this process continue if this Committee is to discharge its obligations to the U.S. Senate and the American people. When this Committee completes its work in an area, a determination will be made according to the applicable Senate Rules as to what information can and should be released to the public, after a careful weighing of all the relevant considerations. Consistent with this approach, strict security procedures are in effect for all of the Committee's intelligence records.

The Committee recognizes that from time to time certain congressional materials currently in the physical custody of your Agency, could become the subject of requests by the public for release. For example, the material requested could include material and information originating with this Committee and its predecessor, or material prepared for the Committee in response to its express interests, or any material resulting from specific questions put to your

Admiral Stansfield Turner
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Agency. It is the Committee's view that Committee material and information should not be disclosed outside of your Agency unless the Committee has reviewed the material and voted release of such material. Should you desire to release any SSCI material for any purpose, we request that you obtain this Committee's approval in writing prior to making such a release.

Sincerely,



Birch Bayh
Chairman



Barry Goldwater
Vice Chairman

UNCLASSIFIED

CONFIDENTIAL

SECRET

OLC

EXECUTIVE SECRETARIAT (O/DCI)

Routing Slip

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	DD/RM		X		
4	DD/NFA		X		
5	DD/CT		X		
6	DD/A		X		
7	DD/O		X		
8	DD/S&T		X		
9	GC		X		
10	LC	X			
11	IG				
12	Compt				
13	D/PA		X		
14	D/EEO				
15	D/Pers				
16	AO/DCI				
17	C/IPS		X		
18					
19					
20					
21					
22					

SUSPENSE DATE: 31 October 1978

Remarks:

To 10: Please prepare DCI implementing instructions and DCI acknowledgment to the attached.

Executive Secretary
24 October 1978

Date

STAT

☐ UNCLASSIFIED☐ INTERNAL
USE ONLY☐ CONFIDENTIAL☐ SECRET

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Acting Legislative Counsel

EXTENSION

NO.

DATE

15 Nov 1978

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.

DDCI

2.

3.

DCI

4.

5.

OLC (for handcarry)

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The attached proposed letter to Chairman Bayh and Vice Chairman Goldwater, SSCI, confirms that we will not release any information or document reposing in Agency files which was exchanged in confidence with the SSCI or its predecessor, the Church Committee, without prior Committee approval.

In return, we are asserting as a corollary assumption that the Committee will not release Agency information or documents without prior Agency approval. The SSCI may object that this constitutes a diminution of the procedures in S. Res. 400 for disclosure of information or documents over Executive Branch objection. The Executive Branch has never agreed that the Congress has the authority to break an Executive classification and it is believed that we should use this opportunity to make the point that if we totally accept their decision for nondisclosure, they should accept ours.

The letter was coordinated with OGC. Committee staff was informed that there would be a slight delay in replying.

In accordance with your request, we are preparing implementing instructions to assure the proper handling of information and documents exchanged in confidence with the SSCI (as well as with other Committees). Also, we are sending copies of both the Committee letter and your response to the Counsels of other offices.

This was prepared by me of my office.

STAT